

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MEGAN D. ERASMUS,

Plaintiff,

v.

RYAN A. DUNLOP, D.M.D., INC.,

Defendant.

Case No. 1: 21-cv-01236-AWI-SAB

ORDER REQUIRING PLAINTIFF TO
SHOW CAUSE IN WRITING WHY
MATTER SHOULD NOT BE DISMISSED
FOR FAILURE TO COMPLY AND
FAILURE TO PROSECUTE

THREE DAY DEADLINE

On August 15, 2021, Plaintiff Megan D. Erasmus filed this action pursuant to the Americans with Disabilities Act. (ECF No. 1.) A summons was issued on the same date. (ECF No. 2.) Plaintiff has not returned a proof of service for the Defendant. There is currently a mandatory initial scheduling conference set in this action for November 16, 2021, before the undersigned. (ECF No. 3.) On November 3, 2021, the Court ordered Plaintiff to file a status report regarding service and the scheduling conference, within five days from entry of the order. (ECF No. 4.) Plaintiff has not responded to the Court's order in this action, nor filed any proof of service regarding the Defendant.¹

Local Rule 110 provides that "[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all

¹ In response to the Court's similar order issued in another action on the same date, Erasmus v. Chien, Case No. 21-cv-01256-AWI-SAB, Plaintiff's counsel filed waivers of service, but failed to file a status report requesting a continuance of the scheduling conference, despite the need to do so.

1 sanctions . . . within the inherent power of the Court.” The Court has the inherent power to
2 control its docket and may, in the exercise of that power, impose sanctions where appropriate,
3 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.
4 2000).

5 Accordingly, IT IS HEREBY ORDERED that PLAINTIFF SHALL SHOW CAUSE IN
6 WRITING within **three (3) days** of the date of entry of this order why this matter should not be
7 dismissed for failure to comply with the November 3, 2021 order, and failure to prosecute.
8 **Plaintiff is forewarned that the failure to show cause may result in the imposition of**
9 **sanctions, including the dismissal of this action.**

10 IT IS SO ORDERED.

11 Dated: **November 9, 2021**

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14 UNITED STATES MAGISTRATE JUDGE
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